## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

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)	CIVIL CASE NO.
)	1:05-CV-02968-TWT
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## DEFENDANT THE PUBLIC WAREHOUSING COMPANY, K.S.C.'S MOTION TO DISMISS THE FIRST AMENDED COMPLAINT IN INTERVENTION OF THE UNITED STATES OF AMERICA, PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE 9(b), 12(b)(5), AND 12(b)(6)

COMES NOW Defendant The Public Warehousing Company, K.S.C., a/k/a Agility ("PWC"), specially appearing by and through its counsel, and hereby submits this Motion to Dismiss the First Amended Complaint in Intervention of the United States of America, Pursuant to Federal Rules of Civil Procedure 9(b), 12(b)(5), and 12(b)(6).<sup>1</sup> This motion is based on the attached memoranda of law,

PWC is specially appearing here solely to seek dismissal of this action. The filing of this motion does not constitute an admission that service has been proper

the declarations and exhibits attached thereto, and any evidence or argument that may be presented at a hearing on this matter.

Dated: July 18, 2016 Respectfully submitted,

s/ Richard Marmaro

Clifford M. Sloan Richard Marmaro (admitted *Pro Hac Vice*)

(admitted *Pro Hac Vice*) Cal. Bar No. 091387

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Dated: July 18, 2016 Respectfully submitted,

s/ Kristin N. Tahler

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or that this Court has jurisdiction over this case or PWC. Although PWC will continue to specially appear until this motion is resolved, for the Court's convenience, PWC will not repeat this statement of special appearance in future briefing on this motion.

Dated: July 18, 2016 Respectfully submitted,

s/ Richard H. Deane, Jr.

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Attorneys for Defendant The Public Warehousing Company, K.S.C.

## **LOCAL RULE 5.1 CERTIFICATION**

I hereby certify that this document has been prepared in Times New Roman 14-point font in accordance with Local Rule 5.1.

Dated: July 18, 2016 Respectfully submitted,

s/ Richard Marmaro

Richard Marmaro

Attorney for Defendant

The Public Warehousing Company, K.S.C.

## **CERTIFICATE OF SERVICE**

I hereby certify that on this day I have caused a copy of the foregoing document to be electronically filed with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filings to all counsel of record.

This 18th day of July, 2016.

s/ Richard Marmaro

Richard Marmaro